

Fleming, Sheila

From: Bailey, Marcia
Sent: Thursday, January 30, 2014 12:18 PM
To: Petersen, Dan; Fleming, Sheila
Subject: FW: Regarding Sulfolane and the Request for Adjudicatory Hearing

Please advise if there are any suggested changes to this language.

Thanks,
Marcia

*Letter to Gary Mendivil
by 2/10/2014
cc Steve Banbridge@
ADEC*

From: Bailey, Marcia
Sent: Thursday, January 30, 2014 9:24 AM
To: Perkins, Brandon
Subject: Regarding Sulfolane and the Request for Adjudicatory Hearing

At your request and to continue with our support of the Alaska Department of Environmental Conservation I shared the "Notice of Request for Adjudicatory Hearing on ADEC's Conditional Approval of the Revised Human Health Risk Assessment, Flint Hills North Pole Refinery" with Dan Petersen, Ph.D., the chemical manager for sulfolane at EPA's Office of Research & Development. I particularly drew his attention to pages 25-27 in section 3, "The Cleanup Level Selected by DEC is not Supported By Best Current Science." In this section, the Requestor claims that EPA's use of the no observed adverse effect level (NOAEL) for sulfolane to determine its noncancer toxicity in the form of the reference dose is contrary to EPA's own guidance and practices. Specifically, the Requestor claims that EPA should have used a benchmark modeling approach using specific statistical techniques. The Requestor also takes issue with EPA's choice of an uncertainty factor to be applied in the derivation of the reference dose.

According to what Dr. Petersen related to me, the methodology ORD used for deriving a reference dose for sulfolane, which was done within the context of a Provisional Peer Reviewed Toxicity Value for Superfund (PPRTV,) is the standard methodology used by ORD for this purpose. The development of PPRTVs complies with Agency methodologies and practices for the development of toxicity values, including reference doses. He acknowledged that entities outside EPA as well as other programs within EPA may choose to follow alternative policies and practices and could thereby derive different reference doses for the same chemical. Nevertheless, the claims by the Requestor regarding the appropriateness of EPA's derivation of the reference dose for sulfolane as presented in the PPRTV are incorrect.

Upon learning of and ^{reviewing} reading the "Notice of Request...", I shared this information

Larry Hartig, Commissioner

AD&C

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Flint Hills Resources Alaska, LLC

North Pole Refinery, File No 100.30.090

Steve Bainbridge, DEC Contaminated
Sites Program Mgr

Tamara Cardona, PhD
Contaminated Sites Project Mgr

**ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION**

**Notice of Request for Adjudicatory Hearing on ADEC's Conditional
Approval of the Revised Human Health Risk Assessment, Flint Hills
North Pole Refinery**

Requestor –	Flint Hills Resources Alaska.
Contested Decision –	ADEC's November 27, 2013 Conditional Approval of the Revised Human Health Risk Assessment, Flint Hills North Pole Refinery
Applicant –	Flint Hills Resources Alaska, LLC 1100 H & H Lane North Pole, Alaska 99705
Location –	Flint Hills North Pole Refinery, located in North Pole, Alaska
Background –	The Contaminated Sites Program within the Spill Prevention and Response (SPAR) Division of the Alaska Department of Environmental Conservation (ADEC), issued a November 27, 2013 letter containing Conditional Approval of the Revised Human Health Risk Assessment for the Flint Hills North Pole Refinery regarding the groundwater alternative cleanup level for sulfolane. Flint Hills Resources Alaska requests an adjudicatory hearing on this conditional approval. In conjunction with this request, Flint Hills Resources Alaska also requests a stay of certain activities scheduled and associated with the Conditional Approval.

Copies of the hearing and stay requests may be viewed on ADEC's web site at <http://dec.alaska.gov/commish/ReviewGuidance.htm> . Copies may also be obtained by writing to Gary Mendivil, Hearing Liaison, Office of the Commissioner, Department of Environmental Conservation, Post Office Box 111800, Juneau, AK 99811-1800; by phoning Mr. Mendivil at (907) 465-5061; by faxing a request to (907) 465-5070, or by e-mail to Gary.Mendivil@alaska.gov .

As provided in 18 AAC 15.220, any person who wishes to file a response to the request for adjudicatory hearing must do so by serving a response on the Office of the Commissioner, Department of Environmental Conservation by February 10, 2014. As provided in 18 AAC 15.210, any person who wishes to file a response to the request for stay must do so by serving a response on the Office of the Commissioner, Department of Environmental Conservation by February 10, 2014. Written responses on both requests may be served by mail addressed to Gary Mendivil, Hearing Liaison, Office of the Commissioner, Department of Environmental Conservation, Post Office Box 111800, Juneau, AK 99811-1800, by facsimile to (907) 465-5070, or by e-mail to Gary.Mendivil@alaska.gov .